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**PRELIMINARY DRAFT**  
**No. 3407**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2013 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 12-17.2-6.

**Synopsis:** Health and safety of child care ministries. Specifies health and safety requirements for registration of a child care ministry, including caregiver qualifications.

**Effective:** July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-17.2-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) ~~The parent or guardian of a child shall, when the child is enrolled in a child care ministry, provide the child care ministry with proof that the child has received the required immunizations against the following:~~

- ~~(1) Diphtheria;~~
- ~~(2) Whooping cough;~~
- ~~(3) Tetanus;~~
- ~~(4) Measles;~~
- ~~(5) Rubella;~~
- ~~(6) Poliomyelitis;~~
- ~~(7) Mumps;~~

(b) A child enrolled in a child care ministry may not be required to undergo an immunization required under this section if the parents object for religious reasons. The objection must be:

- (1) made in writing;
- (2) signed by the child's parent or guardian; and
- (3) delivered to the child care ministry.

(c) If a physician certifies that a particular immunization required by this section is or may be detrimental to the child's health, the requirements of this section for that particular immunization are inapplicable to that child until the immunization is found to be no longer detrimental to the child's health.

(a) A child care ministry shall maintain and annually update documentation provided by the physician of each child who is cared for by the child care ministry verifying that the child has received complete, age appropriate immunizations, including:

- (1) conjugated pneumococcal vaccine; and
- (2) varicella vaccine, unless the child has a demonstrated immunity to varicella.

The state department of health shall determine for each age level



the immunizations that constitute complete, age appropriate immunizations.

(b) A child care ministry complies with subsection (a) if:

(1) a child's parent:

(A) objects to immunizations for religious reasons; and

(B) provides documentation of the parent's objection;

(2) a child's physician provides documentation of a medical reason the child should not be immunized; or

(3) a child's physician provides documentation that the child is currently in the process of receiving complete, age appropriate immunizations;

and the child care ministry maintains and annually updates the documentation provided by the parent or physician under this subsection.

(c) Not more than thirty (30) days after a child is enrolled at a child care ministry, the child care ministry must receive from the child's parent or guardian a written statement signed by a physician or certified nurse practitioner:

(1) verifying that the child has received a physical examination and may participate in care at the child care ministry; and

(2) listing any medications, allergies, and chronic health conditions of the child.

However, a parent or guardian may provide a written request that the child be exempt from a physical examination described in this subsection based on the religious beliefs of the child.

(d) A child care ministry shall maintain and annually update the documentation provided by a parent or guardian under subsection (c).

SECTION 2. IC 12-17.2-6-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14.5. (a) A child care ministry shall, at no expense to the state, maintain and make available to the division upon request a copy of drug testing results for an individual who:

(1) is employed; or

(2) volunteers;

as a caregiver at the child care ministry. The drug testing results required under this subsection must be obtained before the individual is employed or allowed to volunteer as a caregiver.

(b) A child care ministry shall maintain a written policy specifying the following:

(1) That the:

(A) use of:

(i) tobacco; or

(ii) a potentially toxic substance in a manner other than



the substance's intended purpose; and  
 (B) use or possession of alcohol or an illegal substance;  
 is prohibited in the child care ministry when child care is  
 being provided.

(2) That drug testing of individuals who serve as caregivers at  
 the child care ministry will be:

(A) performed based on a protocol established or approved  
 by the division; and

(B) required if an individual is suspected of noncompliance  
 with subdivision (1).

(c) If:

(1) the drug testing results obtained under subsection (a) or  
 (b) indicate the presence of a prohibited substance described  
 in subsection (b)(1)(A)(ii) or (b)(1)(B); or

(2) an individual refuses to submit to a drug test;

the child care ministry shall immediately suspend or terminate the  
 individual's employment or volunteer service.

(d) A child care ministry that suspends an individual described  
 in subsection (c) shall maintain a written policy providing for  
 reinstatement of the individual following rehabilitation of the  
 individual and drug testing results for the individual that are  
 negative for a prohibited substance described in subsection  
 (b)(1)(A)(ii) or (b)(1)(B).

(e) Drug testing results obtained under this section are  
 confidential and may not be disclosed for any purpose other than  
 the purpose described in this section.

(f) A child care ministry that does not comply with this section  
 is subject to:

(1) denial of an application for registration; or

(2) suspension or revocation of the child care ministry's  
 registration;

under this chapter.

SECTION 3. IC 12-17.2-6-16 IS ADDED TO THE INDIANA  
 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A child care ministry shall  
 have:

(1) at least one (1) working telephone; and

(2) emergency contact information for each child in the care  
 of the child care ministry;

available to employees of the child care ministry at all times.

(b) A child care ministry shall:

(1) provide appropriately timed, nutritionally balanced meals  
 and snacks in sufficient quantities to meet the needs of each  
 child; and

(2) maintain availability of drinking water at all times.

(c) A child care ministry must have two (2) exits that:



(1) do not require passage through a:

(A) garage; or

(B) storage area;

where hazardous materials are stored;

(2) are not windows;

(3) are on different sides of the facility;

(4) are not blocked; and

(5) are operable from the inside without the use of a key or any special knowledge.

(d) A child care ministry shall provide for a safe environment by ensuring that the following items are placed in areas that are inaccessible to the children in the child care ministry's care:

(1) Firearms and ammunition.

(2) Poisons, chemicals, bleach, and cleaning materials.

(e) A child care ministry shall have hot and cold running water in the area of the child care ministry where children are cared for.

SECTION 4. IC 12-17.2-6-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) The following apply to a caregiver at a child care ministry:

(1) The caregiver shall obtain a physical health examination not more than thirty (30) days before or after the date the caregiver begins employment at the child care ministry.

(2) The child care ministry shall train the caregiver in recognizing symptoms of and reporting child abuse and neglect.

(3) If the caregiver is less than eighteen (18) years of age, the caregiver shall at all times when child care is being provided be directly supervised by a caregiver who is at least eighteen (18) years of age.

(4) The caregiver must have received a high school diploma or a high school equivalency certificate described in IC 12-14-5-2.

(5) The caregiver shall have an intradermal tuberculosis test upon employment and annually. However, the caregiver shall, upon employment and annually, have only a symptom screening for tuberculosis performed by a physician if the caregiver has a history of latent or active tuberculosis.

(b) A child care ministry shall:

(1) maintain documentation of all screening and training required by this section; and

(2) make the documentation available to the division upon request.

(c) A child care ministry shall ensure that a child in the child care ministry's care is continually supervised by a caregiver.

SECTION 5. IC 12-17.2-6-18 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2013]: **Sec. 18. (a) A child care ministry**  
3 **shall:**

- 4 (1) maintain a written child discipline policy;  
5 (2) ensure that all caregivers follow the child discipline policy;  
6 (3) provide to the parent or legal guardian of each child cared  
7 for by the child care ministry a written copy of the child  
8 discipline policy; and  
9 (4) maintain in each child's file a copy of the child discipline  
10 policy that has been signed by the parent or legal guardian  
11 described in subdivision (3).

12 (b) The division shall investigate an allegation of a violation of  
13 a child care ministry's discipline policy by the child care ministry  
14 or an employee or a volunteer of the child care ministry.

